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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,164	01/28/2004	Tatsuya Tsuda	2004-0061A	2162
513	7590	08/31/2005		EXAMINER
		WENDEROTH, LIND & PONACK, L.L.P.		FRIEDHOFER, MICHAEL A
		2033 K STREET N. W.		
		SUITE 800	ART UNIT	PAPER NUMBER
		WASHINGTON, DC 20006-1021	2832	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/765,164	TSUDA ET AL.
	Examiner Michael A. Friedhofer	Art Unit 2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-7 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/28/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kudo et al.

Kudo et al discloses in figures 1-11 a lever switch including a housing 11 including a first wall having an opening 11a; a second, third, and fourth walls; and an inner bottom face; a lever 12 rotatably held by the housing; driving section 12b of the lever; operating section 12c of the lever; a common contact 13 disposed on at least one of the inner bottom face, or an inner face of the first, second, third, or fourth wall; a fixed contact 13 disposed at least on one of the inner bottom face or the inner face of the first, second, third, or fourth wall; a movable contact 15 for touching or leaving at least one of the common contact or the fixed contact depending on being urged by the driving section when the lever rotates; and at least one terminal section of the common contact or fixed contact extends through at least one of the first wall through the fourth wall. The end 12a of the lever is held by the housing. The movable contact is formed of an elastic

metal thin plate having a fixing section 15f at a tip of a first arm extending from a bent section of the movable contact and is urged elastically against the common contact, and a tip of a second arm extending from the bent section touches or leaves the fixed contact. The driving section of the lever engages the movable contact in the vicinity of the bent section. The first arm of the movable contact is formed like the letter V or the letter L.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al in view of Nakase et al.

Kudo et al discloses all of the claimed limitations with the exception of a projection on the fixing section at the tip of the first arm.

Nakase et al teaches in figure 1 a lever switch including a movable contact 15 having a projection or boss 15p on a fixing section of an arm for engaging the common contact.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Nakase et al to Kudo et al to provide a projection or boss on the fixing section at the tip of the first arm because this is for the purpose of focusing

the pressure between the movable contact and the common contact ensuring proper contact during operation of the switch.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al in view of Aimi et al.

Kudo et al discloses all of the claimed limitations with the exception of forming a notch in the second arm for creating a plurality of contacts at the tip of the second arm.

Aimi et al teaches in figures 1-19 a lever switch including a movable contact 4 having a notch in the second arm for forming a plurality of contacts 4b and 4c for engaging the fixed contact.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Aimi et al to Kudo et al to form a notch in the second arm to create a plurality of contacts for engagement with the fixed contact because this is for the purpose of ensuring proper operation reducing the chance of missed contact due to damage or debris interfering with one of the contacts and provides increased flexibility in the movable contacts.

#### ***Allowable Subject Matter***

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest providing a fixed terminal section

independently of the terminal sections of the common and the fixed contacts and extending through at least one of the first through fourth walls.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ni, Nishimura et al, and Minami et al teach various lever switch structures for operating a movable contact for sliding engagement for bridging a common contact and a fixed contact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832